

REMARKS

Claims 1-9, 11-24, 26-35, and 37-42 remain pending in the application. Minor amendments have been made to claim 1 to simply overcome the rejection to the claims under 35 U.S.C. § 101. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 101

Claims 1-9 and 11-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action proposes that merely processing the response signal to represent a characteristic of the sample would not appear to be sufficient to constitute a tangible result, since the outcome of the processing step has not been used in a disclosed practical application, not made available in such a manner that its usefulness in a disclosed practical application can be realized.

The present disclosure, as a whole, relates to a scanning probe system using optical interferometry for detecting deflection of one or more probes. Applicants note that claim 1 has been amended herein to recite a method of microscopically analyzing a surface of a sample. As disclosed in the specification as originally filed, amended claim 1 provides a useful method of characterizing surfaces at atomic resolutions, or in other words, microscopically analyzing the surfaces. Applicants respectfully maintain that the present amendment to claim 1 more particularly points out and claims subject matter of the present disclosure and provides a useful, tangible, and concrete result for, *inter alia*, the analysis of microscopic surfaces.

ALLOWABLE SUBJECT MATTER

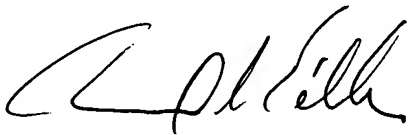
Claims 21-24, 26-35, and 37-42 have previously been allowed. Applicants thank the Examiner for stating that claims 1-9 and 11-20 would be allowable if rewritten to resolve the issue of tangibility of a result. Accordingly, Applicants have amended claim 1 as previously discussed above. Therefore, all of the currently pending claims should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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